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08 CIV 5574

ATTORNEYS FOR PLAINTIFFS  
BULKHANDLING HANDYMAX AS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BULKHANDLING HANDYMAX AS,

Plaintiff,

-against-

SUNMALL MARINE INC. and  
EVERMONT INTERNATIONAL LTD.,

Defendants.

08 Civ. \_\_\_\_ (\_\_\_\_)

**AFFIDAVIT IN SUPPORT  
OF ATTACHMENT**

STATE OF NEW YORK )

) ss:

COUNTY OF NEW YORK )

Michael J. Frevola, being duly sworn, deposes and says:

1. I am a member of the firm of Holland & Knight LLP, attorneys for plaintiff Bulkhandling Handymax AS ("Bulkhandling"), and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the requested Writ of Attachment.

3. Defendants are not listed in the telephone directory of the principal metropolitan areas in this district, nor are they listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

4. Our office contacted the Secretary of State for the State of New York and was advised that Defendants are neither New York business entities, nor are they foreign business entities authorized to do business in New York.

5. To the best of my information and belief, Defendants cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendants are liable to Plaintiff for the damages alleged in the Verified Complaint, which amounts, as best as can be presently determined, amount to a total of \$792,309.88, including estimated interest, expenses and attorneys' fees.

7. Upon information and belief, Defendants have goods, chattels, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights, charter hire, sub-charter hire, or other tangible or intangible property which belongs to them, is claimed by them, is being held for them or on their behalf, or which is being transferred for its benefit, within the jurisdiction and held in the name of Sunmall Marine Inc. and/or Evermont International Ltd. at one or more of the following financial institutions:

Bank of America, N.A.

Bank of China

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

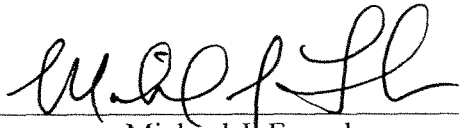
ABN Amro Bank

Bank Leumi USA

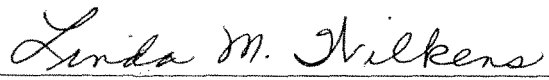
Banco Popular

8. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to \$792,309.88.

**WHEREFORE**, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.

  
Michael J. Frevola

Sworn to before me this  
19<sup>th</sup> day of June, 2008

  
Notary Public

Linda M. Wilkens  
Notary Public, State of New York  
No. 01W19672455  
Qualified in Queens County  
Certificate filed in New York County  
Commission Expires September 30, 2010